

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



Santa Clara County Clerk - Recorder's Office
State of California



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REGINA ALCOMENDRAS, County Clerk - Recorder
by **Oscar Urquilla, Deputy Clerk - Recorder**, *OU*

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: Santa Clara County Open Space Authority
2. PROJECT TITLE: Sierra Vista Open Space Preserve - Trail Development Project
3. APPLICANT NAME: Santa Clara County Open Space Authority PHONE: 408-224-7476 ext. 26
4. APPLICANT ADDRESS: 6980 Santa Teresa Blvd. Suite 100, San Jose CA 95119
5. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|---|-------------|---------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152) | \$ 2,839.25 | \$ 0.00 |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,044.00 | \$ 0.00 |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 965.50 | \$ 0.00 |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u> | \$ 949.50 | \$ 0.00 |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ 0.00 |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|---------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ 0.00 |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ 0.00 |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|--|--------|-----------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ NO FEE |
|--|--|--------|-----------|

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

**Santa Clara County Open Space Authority****Mitigated Negative Declaration**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resource Code 21000, et seq) that the following project, when implemented, will not have a significant impact on the environment.

Lead Agency	Santa Clara County Open Space Authority 6980 Santa Teresa Blvd., Suite 100 San Jose, CA 95119	Date: 3/18/11
Contact Person	Rachel Santos, Open Space Planner (408) 224-7476 ext. 26	
Project Name	Sierra Vista Open Space Preserve - Proposed Trail Development	
Project Location	Sierra Road, within Sierra Vista Open Space Preserve, San Jose, CA, North of Alum Rock Park	

Project Description

The proposed project will include approximately 5.8 miles of connecting trail within the Authority's Milpitas-Berryessa Study Area. This proposed trail will be dual -use (hikers and bicyclists) and utilize approximately 4.5 miles of existing ranch roads and will require 1.3 miles of new trail construction. The proposed trail will also require (4) clear span bridge crossing structures and will connect to the Authority's existing Boccardo Trail (currently multi-use trails for hikers, bicyclists and equestrian use) as well as to the City of San Jose - Alum Rock Park trails (also multi-use). Proposed trail is also part of the Bay Area Ridge Trail.

Purpose of Notice

The purpose of this notice is to inform you that the Santa Clara County Open Space Authority Staff has recommended that a Mitigated Negative Declaration be approved for this project. Action is scheduled on this proposed Mitigated Negative Declaration before the Santa Clara County Open Space Authority **Board of Directors** on **April 28, 2011** in the **Santa Clara County Open Space Authority Office, 6980 Santa Teresa Blvd, Suite 100, San Jose, CA.**

Review Period

Public comments regarding the correctness, completeness, or adequacy of the Mitigated Negative Declaration are invited and must be received on or before **April 18, 2011**, no later than **5pm**. Such comments should be based on specific environmental concerns. Written comments should be addressed to the **Santa Clara County Open Space Authority, 6980 Santa Teresa Blvd, Suite 100, San Jose, CA 95119, (408) 224-7476**. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Santa Clara County Open Space Authority.

Responsible Agencies sent copy of this document

City of San Jose
County of Santa Clara

Proposed Findings

The Santa Clara County Open Space Authority Staff has reviewed the initial study for the project and based upon substantial evidence in the record, finds that:

The mitigation measures, as listed below and incorporated in the project, are adequate to mitigate the environmental effects to a less than significant level.

MITIGATION MEASURES INCORPORATED INTO THE PROJECT

(BIO-1) **Special-status plant surveys** by a qualified botanist will be conducted to avoid any potential impacts to special-status plants that may occur on-site. Surveys will be conducted in early April to 1) identify special-status plants that are spring blooming, and 2) to identify locations where plants that are vegetative in the same genus, or sharing similar vegetative structures of summer blooming special-status species, may occur along the trail alignment. If vegetative plants in the same genus, or sharing similar vegetative structures of summer blooming special-status plants are identified, then a 20 ft buffer surrounding the potential special-status plant populations will be flagged or fenced off to avoid any impact from trail construction at this time. These areas will then be surveyed in June or early July to verify whether the plants in question are in fact special-status. If during the spring survey, there are no vegetative plants in the same genus, or sharing similar vegetative structures as the summer blooming special-status plants identified, summer surveys will not to be required.

If any potentially-occurring special status species are found within areas of proposed new trail creation, the trail will be re-directed to avoid these populations and provide a 20-ft buffer between the perimeter of the population and any new trail bed. In the unlikely event that relocating the trail is not feasible in a specific location, a qualified botanist will prepare a mitigation approach to ensure that no adverse impacts to the population will occur. For any significant populations of CNPS list 1, or federally or state endangered or threatened plants identified adjacent to the trail alignment, a split-rail fence and interpretive signage will be erected as an additional mitigation measure to minimize potential indirect impacts to these populations stemming from increased land use and possible off-trail vegetation trampling. Adopting these avoidance and signage (for CNPS list 1B and federally or state endangered or threatened species) mitigation measures will ensure that the construction and operation of the Sierra Vista Project will cause no significant negative impacts to any special-status plant species.

(BIO-2) **Seasonal Avoidance (Work Window).** To the extent practicable, ground-disturbing activities should not occur during the wet season, from 15 October through 15 April, when California red-legged frogs are most likely to be found in upland habitats away from aquatic habitat. The preferred work window will be 16 April to 14 October.

(BIO-3) **On-site Construction Crew Education Program.** Before the commencement of construction, a qualified biologist will explain to construction workers how best to avoid the accidental take of California red-legged frogs. The biologist will conduct a training session that will be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting will include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Emphasis will be placed on the importance of the habitat and life stage requirements within the context of project avoidance and minimization measures. Handouts, illustrations, photographs, and project maps showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program will increase the awareness of the contractors and construction workers about existing federal and state laws regarding endangered species as well as increase their compliance with conditions and requirements of resource agencies.

(BIO-4) **Pre-construction Surveys.** Prior to any work within 200 ft of riparian habitat or seasonal seeps, a pre-construction survey will be conducted by a qualified biologist. If any red-legged frogs, are found within the work area, the USFWS will be contacted, and if approved by the USFWS, the qualified biologist will remove the individual(s) to a safe location nearby.

(BIO-5) **Habitat Management.** The Authority will continue to manage its lands adjacent to the trail in such a way that it continues to provide upland dispersal habitat for the California red-legged frog. This includes maintaining open grasslands with no barriers that could prevent movement of red-legged frogs.

(BIO-8) **Pre-construction Surveys.** Pre-construction surveys for Burrowing Owls should be completed in potential habitat in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action would be warranted. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented.

(BIO-9) **Buffer Zones.** If Burrowing Owls are present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone should be maintained around the occupied burrow(s) if practicable. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or else the owls should be passively relocated as described in BIO-below. During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

(BIO-10) **Passive Relocation.** If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Owls will be evicted by a qualified biologist, who will install one-way doors in the occupied burrow and any nearby burrows within the impact footprint. The doors will remain in place for at least 2 nights, after which the doors will be removed and the burrows back-filled to prevent reoccupation of the burrows prior to trail construction.

(BIO-11) **Habitat Management.** If Burrowing Owls are impacted by the project, existing grassland habitat owned by the landowner adjacent to the trail shall be managed in such a way that it continues to provide breeding habitat for Burrowing Owls. Management of grassland habitat for Burrowing Owls is consistent with management of suitable upland dispersal and aestivation habitat for California tiger salamanders and California red-legged frogs.

(BIO-12) **Pre-construction Surveys/Avoidance.** Prior to any action that would result in clearing of coastal sage scrub, coyote brush chaparral, and cismontane woodland habitats, a qualified biologist should conduct a survey for San Francisco dusky-footed woodrat nests. If multiple nests are found in the area to be disturbed, the nests should be avoided if feasible, preferably with a minimum 10-ft buffer around any nests. If avoidance is not feasible, the following mitigation measure should be implemented.

(BIO-13) **Relocation.** If active woodrat nests are found within impact areas on the project site, and the nests cannot be avoided, the nesting material will be relocated using the following methodology (or accepted CDFG protocol at the time of impact, if different from the following). All understory vegetation will be cleared within the project site or in the area immediately surrounding the nests, but the nest itself should not be removed at this stage. Then, each active nest will be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge off the site. The nest sticks will then be removed from the site and piled at the base of a nearby hardwood tree (preferably an oak or California bay with refuge sites among the tree roots). The spacing distance between the newly placed piles of sticks should not be less than 100 ft, unless a qualified wildlife biologist has determined that a specific habitat can support higher densities of nests.

(BIO-14) **Seasonal Avoidance.** Golden Eagles may be nesting from 1 February through 31 August. If construction-related work is conducted outside this period, potential impacts to the active nests of Golden Eagles will be avoided.

(BIO-15) **Pre-construction Surveys/Buffer Zones.** If work cannot be scheduled to occur from 1 September to 31 January, pre-construction surveys should be conducted along the trail alignment for any Golden Eagle nests that could be disturbed. The distance at which disturbance may lead to abandonment may vary with topography and the type of disturbance. The area to be surveyed should be determined by a qualified ornithologist in the field, but will likely include the viewshed of potential work areas, within 0.5 mi of the proposed new trail segments. If an active nest is found, disturbance should be avoided by establishing a disturbance-free buffer zone around the nest for the remainder of the breeding season (1 September, or when all chicks have fledged). The dimensions of this buffer zone will be determined by a qualified ornithologist.

Mitigation incorporated into project for cultural resources:

(CULT-1) Construction personnel should be alerted to the possibility of buried cultural remains in the Project area. Personnel should be instructed that upon discovery of buried cultural materials, work in the immediate area of the find should be halted, and a qualified cultural resources professional should be contacted to examine the discovery and determine its significance.

(CULT -2) Stop work immediately, at that site and any nearby area reasonably suspected to have remains, and contact the County Coroner. The Coroner has two working days to examine the remains after being notified by the person responsible for the excavation. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American. The most likely descendant has 24 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the remains and grave goods. If the descendant doesn't make recommendations within 24 hours, the owner must reenter the remains in an area of the property secure from further disturbance, or: If the owner doesn't accept the descendant's recommendations, the owner or the descendant may request mediation by the Native American Heritage Commission. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reenter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Project will also incorporate the following erosion control measures:

Construction will occur during the typical dry season from (April 15- October 15th). Silt fencing to be installed along the edge of the trail and at the site of the bridge installation during construction. Upon completion of construction any other bare ground resulting from construction will be hydro-seeded to increase soil stability. During the first winter, the Authority will insure that erosion is kept to a minimum by inspecting the site and providing additional erosion control measures such as spreading mulch and installing erosion control netting if needed.


Prepared by:


Open Space Planner

Date:

3/18/11

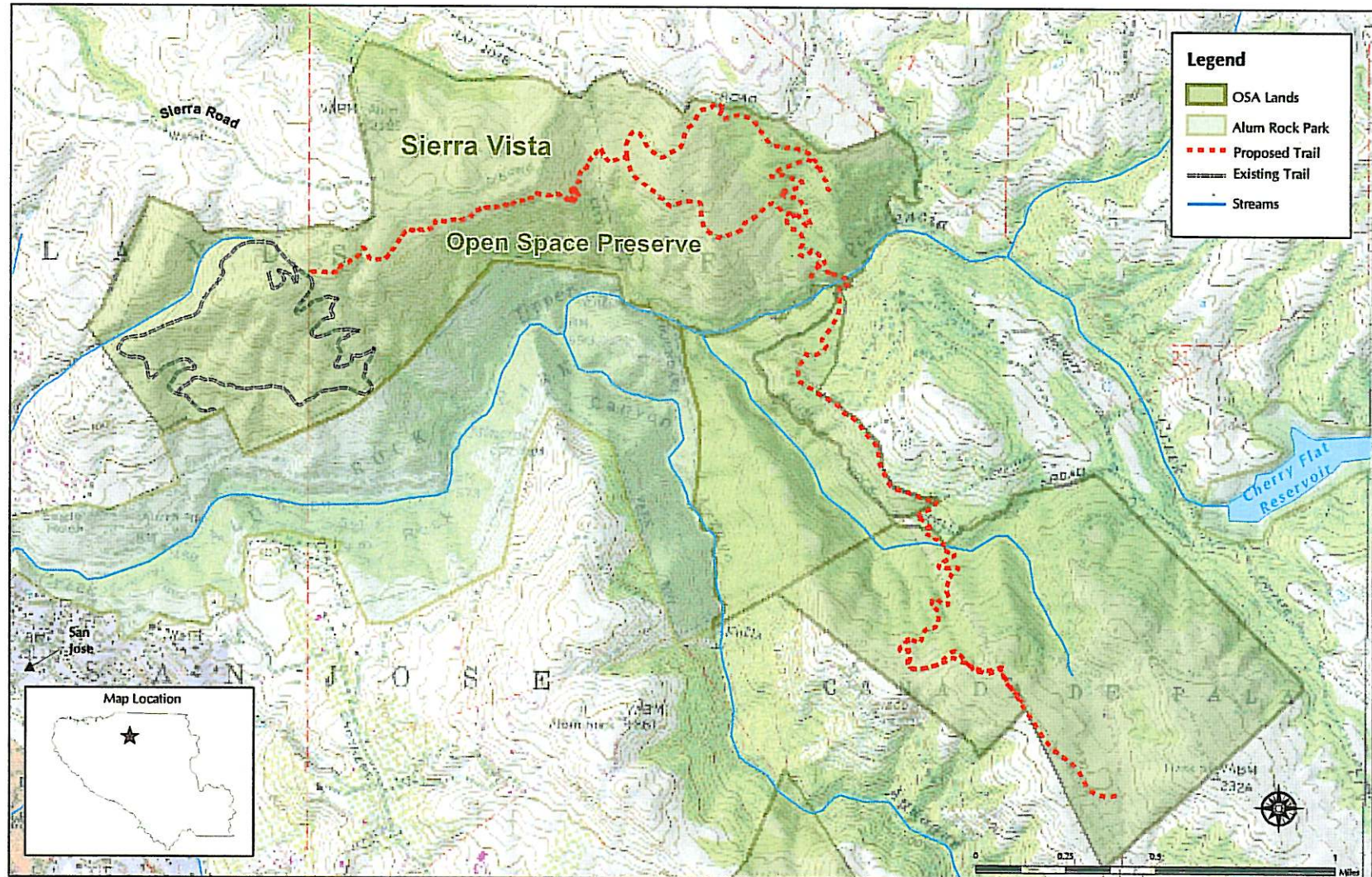
Approved by:


Interim General Manager

Date:

3/18/11

Sierra Vista Open Space Preserve - Proposed Trail Development



Santa Clara County Open Space Authority
Milpitas- Berryessa Study Area

Map Created by: R. Santos 3/3/2011

MITIGATION MONITORING PROGRAM

**Trail Development Project
Sierra Vista Open Space Preserve
Santa Clara County, CA**

March 18, 2011
Santa Clara County Open Space Authority
6980 Santa Teresa Blvd, Suite 100
San Jose, CA 95119
(408) 224-7476

MITIGATION MONITORING PROGRAM CONTENTS

This mitigation monitoring program (MMP) includes a brief discussion of the legal basis and purpose of the program, a key to understanding the monitoring matrix, discussion and direction regarding noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resources Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigations incorporated into the Proposed Trail Development at the Sierra Vista Open Space Preserve (the project). These mitigations are reproduced from the Negative Declaration for the project. The columns within the tables have the following meanings:

Number:	The number in this column refers to the Initial Study section where the mitigation is discussed.
Mitigation:	This column lists the specific mitigation identified within the Negative Declaration.
Timing:	This column identifies at what point in time, review process, or phase the mitigation will be completed. The mitigations are organized in roughly chronological order relative to the time of implementation.
Who will verify?	This column references the person(s) that will ensure implementation of the mitigation.
Agency / Department Consultation:	This column references any public agency or Authority department with which coordination is required to ensure implementation of the mitigation.
Verification:	This column will be initialed and dated by the individual designated to confirm implementation.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the Authority's General Manager in written form, providing specific information on the asserted violation. The General Manager shall cause an investigation and determine the validity of the complaint; if noncompliance with any mitigation has occurred, the General Manager shall cause appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
Mitigation in section IV(a)	<p><u>Mitigation incorporated into project for biological resource:</u></p> <p>(BIO-1) Special-status plant surveys by a qualified botanist will be conducted to avoid any potential impacts to special-status plants that may occur on-site. Surveys will be conducted in early April to 1) identify special-status plants that are spring blooming, and 2) to identify locations where plants that are vegetative in the same genus, or sharing similar vegetative structures of summer blooming special-status species, may occur along the trail alignment. If vegetative plants in the same genus, or sharing similar vegetative structures of summer blooming special-status plants are identified, then a 20 ft buffer surrounding the potential special-status plant populations will be flagged or fenced off to avoid any impact from trail construction at this time. These areas will then be surveyed in June or early July to verify whether the plants in question are in fact special-status. If during the spring survey, there are no vegetative plants in the same genus, or sharing similar vegetative structures as the summer blooming special-status plants identified, summer surveys will not to be required.</p>	Preconstruction and during construction.	OSA Staff	Planning Department	
	<p>If any potentially-occurring special status species are found within areas of proposed new trail creation, the trail will be re-directed to avoid these populations and provide a 20-ft buffer between the perimeter of the population and any new trail bed. In the unlikely event that relocating the trail is not feasible in a specific location, a qualified botanist will prepare a mitigation approach to ensure that no adverse impacts to the population will occur. For any significant populations of CNPS list 1, or federally or state endangered or threatened plants identified adjacent to the trail alignment, a split-rail fence and interpretive signage will be erected as an additional mitigation measure to minimize potential indirect impacts to these populations stemming from increased land use and possible off-trail vegetation trampling. Adopting these avoidance and signage (for CNPS list 1B and federally or state endangered or threatened species) mitigation measures will ensure that the construction and operation of</p>	During project construction	OSA Staff	Planning Department	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>the Sierra Vista Project will cause no significant negative impacts to any special-status plant species.</p> <p>BIO-2. The trail will be designed in such a way as to accommodate San Francisco dusky-footed woodrat homes (i.e., be realigned so as to not completely remove homes). Crews conducting survey and construction work for the trail will be briefed on identification of dusky-footed woodrat, their natural history and home composition. To enhance existing woodrat population, vegetation removed to facilitate construction of the trail will be cut and placed in such a way as to provide additional house material in the area. Woodrat homes either occupied or presumed to be non-occupied will be avoided when establishing equipment and materials staging areas. In Addition, the Authority will pursue local researchers to conduct work related to recreational trails and dusky-footed woodrat populations.</p> <p>(BIO-2) Seasonal Avoidance (Work Window). To the extent practicable, ground-disturbing activities should not occur during the wet season, from 15 October through 15 April, when California red-legged frogs are most likely to be found in upland habitats away from aquatic habitat. The preferred work window will be 16 April to 14 October.</p> <p>(BIO-3) On-site Construction Crew Education Program. Before the commencement of construction, a qualified biologist will explain to construction workers how best to avoid the accidental take of California red-legged frogs. The biologist will conduct a training session that will be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting will include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Emphasis will be placed on the importance of the habitat and life stage requirements within the context of project avoidance and minimization measures. Handouts, illustrations, photographs, and project maps showing areas where minimization and avoidance measures are being implemented will be included as part of this</p>	<p>Preconstruction and during construction</p> <p>Preconstruction and during construction</p> <p>Preconstruction and during construction</p>	<p>OSA Staff</p> <p>OSA Staff</p> <p>OSA Staff</p>	<p>Planning Department</p> <p>Planning Department</p> <p>Planning Department</p>	

Exhibit 3: CEQA Documents

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>education program. The program will increase the awareness of the contractors and construction workers about existing federal and state laws regarding endangered species as well as increase their compliance with conditions and requirements of resource agencies.</p> <p>(BIO-4) Pre-construction Surveys. Prior to any work within 200 ft of riparian habitat or seasonal seeps, a pre-construction survey will be conducted by a qualified biologist. If any red-legged frogs, are found within the work area, the USFWS will be contacted, and if approved by the USFWS, the qualified biologist will remove the individual(s) to a safe location nearby.</p> <p>(BIO-5) Habitat Management. The Authority will continue to manage its lands adjacent to the trail in such a way that it continues to provide upland dispersal habitat for the California red-legged frog. This includes maintaining open grasslands with no barriers that could prevent movement of red-legged frogs.</p> <p>(BIO-8) Pre-construction Surveys. Pre-construction surveys for Burrowing Owls should be completed in potential habitat in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action would be warranted. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented.</p> <p>(BIO-9) Buffer Zones. If Burrowing Owls are present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone should be maintained around the occupied burrow(s) if practicable. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or else the owls should be passively relocated as described in BIO- below. During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on site after 1 February will be</p>	<p>Preconstruction and during construction</p> <p>On going</p> <p>Preconstruction and during construction</p> <p>Preconstruction and during construction</p>	<p>OSA Staff</p> <p>OSA Staff</p> <p>OSA Staff</p> <p>OSA Staff</p>	<p>Planning Department</p> <p>Planning Department</p> <p>Planning Department</p> <p>Planning Department</p>	

Exhibit 3: CEQA Documents

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.</p> <p>(BIO-10) Passive Relocation. If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Owls will be evicted by a qualified biologist, who will install one-way doors in the occupied burrow and any nearby burrows within the impact footprint. The doors will remain in place for at least 2 nights, after which the doors will be removed and the burrows back-filled to prevent reoccupation of the burrows prior to trail construction.</p> <p>(BIO-11) Habitat Management. If Burrowing Owls are impacted by the project, existing grassland habitat owned by the landowner adjacent to the trail shall be managed in such a way that it continues to provide breeding habitat for Burrowing Owls. Management of grassland habitat for Burrowing Owls is consistent with management of suitable upland dispersal and aestivation habitat for California tiger salamanders and California red-legged frogs.</p> <p>(BIO-12) Pre-construction Surveys/Avoidance. Prior to any action that would result in clearing of coastal sage scrub, coyote brush chaparral, and cismontane woodland habitats, a qualified biologist should conduct a survey for San Francisco dusky-footed woodrat nests. If multiple nests are found in the area to be disturbed, the nests should be avoided if feasible, preferably with a minimum 10-ft buffer around any nests. If avoidance is not feasible, the following mitigation measure should be implemented.</p>	<p>During construction</p> <p>On going</p> <p>Preconstruction and during construction</p>	<p>OSA Staff</p> <p>OSA Staff</p> <p>OSA Staff</p>	<p>Planning Department</p> <p>Planning Department</p> <p>Planning Department</p>	

Exhibit 3: CEQA Documents

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>(BIO-13) Relocation. If active woodrat nests are found within impact areas on the project site, and the nests cannot be avoided, the nesting material will be relocated using the following methodology (or accepted CDFG protocol at the time of impact, if different from the following). All understory vegetation will be cleared within the project site or in the area immediately surrounding the nests, but the nest itself should not be removed at this stage. Then, each active nest will be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge off the site. The nest sticks will then be removed from the site and piled at the base of a nearby hardwood tree (preferably an oak or California bay with refuge sites among the tree roots). The spacing distance between the newly placed piles of sticks should not be less than 100 ft, unless a qualified wildlife biologist has determined that a specific habitat can support higher densities of nests.</p>	During construction	OSA Staff	Planning Department	
	<p>(BIO-14) Seasonal Avoidance. Golden Eagles may be nesting from 1 February through 31 August. If construction-related work is conducted outside this period, potential impacts to the active nests of Golden Eagles will be avoided.</p>	Preconstruction and during construction	OSA Staff	Planning Department	
	<p>(BIO-15) Pre-construction Surveys/Buffer Zones. If work cannot be scheduled to occur from 1 September to 31 January, pre-construction surveys should be conducted along the trail alignment for any Golden Eagle nests that could be disturbed. The distance at which disturbance may lead to abandonment may vary with topography and the type of disturbance. The area to be surveyed should be determined by a qualified ornithologist in the field, but will likely include the viewshed of potential work areas, within 0.5 mi of the proposed new trail segments. If an active nest is found, disturbance should be avoided by establishing a disturbance-free buffer zone around the nest for the remainder of the breeding season (1 September, or when all chicks have fledged). The dimensions of this buffer zone will be determined by a qualified ornithologist.</p>	Preconstruction and during construction	OSA Staff	Planning Department	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
Mitigation in section V(b), V(c)	<p><u>Mitigation incorporated into project for cultural resources:</u></p> <p>(CULT-1) Construction personnel should be alerted to the possibility of buried cultural remains in the Project area. Personnel should be instructed that upon discovery of buried cultural materials, work in the immediate area of the find should be halted, and a qualified cultural resources professional should be contacted to examine the discovery and determine its significance.</p>	During Construction	OSA Staff	Planning Department	
	<p>(CULT -2) Stop work immediately, at that site and any nearby area reasonably suspected to have remains, and contact the County Coroner. The Coroner has two working days to examine the remains after being notified by the person responsible for the excavation. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American. The most likely descendant has 24 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the remains and grave goods. If the descendant doesn't make recommendations within 24 hours, the owner must reenter the remains in an area of the property secure from further disturbance, or: If the owner doesn't accept the descendant's recommendations, the owner or the descendant may request mediation by the Native American Heritage Commission. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reenter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>	During Construction	OSA Staff	Planning Department	

Initial Study
Environmental Checklist Form

1. **Project title:** **Sierra Vista Open Space Preserve**
Proposed Trail Development Project
Milpitas-Berryessa Study Area
2. **Lead agency name and address:** Santa Clara County Open Space Authority (Authority)
6980 Santa Teresa Blvd, Suite 100
San Jose, CA 95119
3. **Contact person / phone number:** Rachel Santos, Open Space Planner
(408) 224-7476 ext. 26
4. **Project location:** Sierra Road
San Jose, CA
North/East of Alum Rock City Park
5. **Project sponsor name / address:** same as Lead Agency
6. **General plan designation:** Public Park Open Space
7. **Zoning:** R – 1
8. **Description of project:**
The proposed project will include approximately 5.8 miles of connecting trail within the Authority's Milpitas-Berryessa Study Area. This proposed trail will be dual -use (hikers and bicyclists) and utilize approximately 4.5 miles of existing ranch roads and will require 1.3 miles of new trail construction. The proposed trail will also require (4) clear span bridge crossing structures and will connect to the Authority's existing Boccardo Trail (currently multi-use trails for hikers, bicyclists and equestrian use) as well as to the City of San Jose - Alum Rock Park trails (also multi-use). Proposed trail is also part of the Bay Area Ridge Trail.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**
The project site is currently zoned as Public Park Open Space. The proposed trail is within a hillside area with the western portion of the trail connecting to the Authority's existing Boccardo Trail. The surrounding natural setting for the proposed trail below Sierra Road is predominately Coyote Bush and California Sage Brush series. As the proposed trail descends down, it transitions through Coast Live Oak, California Bay, Valley Oak and Blue Oak series. Current surrounding land uses include public parkland, private open space, cattle grazing and rural residential.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/ Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/ Traffic | <input type="checkbox"/> Utilities/ Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. TOPICS TO BE ADDRESSED ARE AESTHETICS, CULTURAL RESOURCES, AND TRAFFIC/TRANSPORTATION.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Date



MITIGATED NEGATIVE DECLARATION

**Trail Development Project
Sierra Vista Open Space Preserve
Santa Clara County, CA**

March 18, 2011
Santa Clara County Open Space Authority
6980 Santa Teresa Blvd, Suite 100
San Jose, CA 95119
(408) 224-7476

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Air – c): (Sources: 5)

Less Than Significant

The San Francisco Bay Area Air Basin (SFBAAB), which includes Santa Clara County, is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards.

BAAQMD is the primary agency responsible for assuring that the National and California Ambient Air Quality Standards (NAAQS and CAAQS, respectively) are attained and maintained in the Bay Area.

BAAQMD has established thresholds of significance for construction and operational related criteria air pollutant and precursor emissions. Projects that generate more than 82 pounds per day of PM10 or criteria air pollutant or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. A typical project must generate at least 2,000 additional vehicle trips per day to exceed the 82 pound per day threshold. Access to the proposed trail will utilize the existing parking area within Alum Rock Park – City of San Jose. The expected trail use will have low intensity recreational use and is located in a remote setting thus, will be under the BAAQMD established threshold and will not result in a cumulatively significant impact.

The BAAQMD's guideline does not require quantification of construction emissions. It does require feasible control measures to reduce PM10 affecting localized air quality on a short term basis during construction. The proposed project includes the construction of 1.3 miles of new trail and conversion of 4.5 miles of existing ranch road to trail, thus construction emissions would be less than significant due to the small scale of project. However, BAAQMD Construction Best Management Practices (BMP's) will be implemented to minimize emissions during constructions.

Air Quality BMP's

The following BMP's would be implemented for emissions reductions associated with Basic Construction:

1. All exposed surfaces (e.g. staging areas, soil piles, graded areas, and unpaved access road) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose materials off-site shall be covered.
3. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.

IV. BIOLOGICAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Dept. of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Bio – a): (Sources: 1, 6, 7, 8)

On 8 February 2007, H. T. Harvey & Associates conducted a reconnaissance-level field survey of the Project site for a biotic assessment in support of an Initial Study per the California Environmental Quality Act (CEQA). On 14 January 2011, H. T. Harvey &

Associates conducted an additional reconnaissance-level survey of the Project site to assess an updated trail alignment. The purpose of both of these surveys was to provide a Project-specific impact assessment for development of the proposed Project. Specifically, surveys were conducted to 1) assess existing biotic habitats in the Study Area, 2) assess the site for its potential to support special-status species and their habitats, and 3) identify potential sensitive and jurisdictional habitats, such as waters of the U.S. and riparian habitat.

b) Special Status Plant Species:

During the reconnaissance-level surveys, H.T. Harvey and Associates searched for special-status plant species that were in-bloom or otherwise detectable at this time of year, and for habitats capable of supporting these species. Because these surveys took place early in the season, only the earliest-blooming plants would have been detected at this time.

Ten special-status plant species that have a reasonable likelihood of occurring on site are on CNPS list 4, including California androsace (*Androsace longata* ssp. *Acuta*), South Coast Range morning glory (*Calystegia collina* ssp. *Venusta*), Santa Clara red ribbons (*Clarkia concinna* ssp. *Automixa*), Jepson's woolly sunflower (*Eriophyllum jepsonii*), coast iris (*Iris longipetala*), bristly leptosiphon (*Leptosiphon acicularis*), spring lessinga (*Lessingia tenuis*), narrow-petaled rein orchid (*Piperia leptopetala*), Michael's rein orchid (*Piperia michaelii*), and forget-me-not popcorn-flower (*Plagiobothrys myosotoides*). Santa Cruz Mountains pussypaws (*Calyptidium parryi* var. *hesseae*) and Mt. Diablo cottonweed (*Micropus amphibolus*) are on CNPS list 3.

Less Than Significant With Mitigation Incorporated

(BIO-1) **Special-status plant surveys** by a qualified botanist will be conducted to avoid any potential impacts to special-status plants that may occur on-site. Surveys will be conducted in early April to 1) identify special-status plants that are spring blooming, and 2) to identify locations where plants that are vegetative in the same genus, or sharing similar vegetative structures of summer blooming special-status species, may occur along the trail alignment. If vegetative plants in the same genus, or sharing similar vegetative structures of summer blooming special-status plants are identified, then a 20 ft buffer surrounding the potential special-status plant populations will be flagged or fenced off to avoid any impact from trail construction at this time. These areas will then be surveyed in June or early July to verify whether the plants in question are in fact special-status. If during the spring survey, there are no vegetative plants in the same genus, or sharing similar vegetative structures as the summer blooming special-status plants identified, summer surveys will not to be required.

If any potentially-occurring special status species are found within areas of proposed new trail creation, the trail will be re-directed to avoid these populations and provide a 20-ft buffer between the perimeter of the population and any new trail bed. In the unlikely event that relocating the trail is not feasible in a specific location, a qualified botanist will prepare a mitigation plan to ensure that no adverse impacts to the population will occur. For any significant populations of CNPS list 1, or federally or state endangered or threatened plants identified adjacent to the trail alignment, a split-rail fence and interpretive signage will be erected as an additional mitigation measure to minimize potential indirect impacts to these populations stemming from increased land use and possible off-trail vegetation trampling. Adopting these avoidance and signage (for CNPS

list 1B and federally or state endangered or threatened species) mitigation measures will ensure that the construction and operation of the Sierra Vista Project will cause no significant negative impacts to any special-status plant species.

2. Special Status Animal Species:

Special-status animal species with the potential to breed on the project site, or use the site regularly and thus potentially be impacted by project implementation, include the California red-legged frog, California tiger salamander, White-tailed Kite, Burrowing Owl, Loggerhead Shrike, Olive-sided Flycatcher (*Contopus cooperi*), Grasshopper Sparrow (*Ammodramus savannarum*), American badger, San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), ringtail, and pallid bat.

California Red-legged Frog. Federal Listing Status: Threatened; State Listing Status: Species of Special Concern. The USFWS listed southern populations of the California red-legged frog as threatened in 1996, due to continued habitat degradation throughout the species' range and population declines. Critical Habitat was designated for the California red-legged frog in 2001, but was rescinded in 2002; Critical Habitat was then re-designated in April 2006. The entire Sierra Vista project site is within the revised, proposed Critical Habitat Unit STC-1A (Federal Register: April 13, 2006, Volume 71, Number 71: 19243-19346).

Red-legged frogs have been previously recorded near the project site. The closest CNDDB-mapped record is located approximately 0.25 mi to the southwest, downhill from the trail alignment. Other streams and ponds near the site have the potential to support breeding red-legged frogs. A pond located near the southeast portion of the alignment could potentially support red-legged frogs, although some ponds in the area, such as Cherry Flat Reservoir, are known to contain large numbers of predatory bullfrogs (*Lithobates catesbeianus*), which tend to suppress red-legged frog populations. California red-legged frogs may disperse as much as 2 mi between aquatic habitats (Bulger et al. 2003), and given the proximity of the entire trail to ponds and drainages providing aquatic habitats, red-legged frogs could disperse over virtually the entire site. The aquatic habitats that may be impacted by the project do not support breeding habitat for red-legged frogs, as do not provide sufficient water depth or persistence. However, these freshwater seeps are within potential dispersal range from areas of known occurrence. These seeps may be used by dispersing juveniles, and more rarely by adults, and this species could also potentially disperse over the upland portions of the project site as well.

Although the number of individual red-legged frogs that are likely to be affected by the project is small due to the narrow nature of the corridor and the limited extent of trail construction, it is impossible to estimate the number of individuals that may be affected. Implementation of the following measures will reduce project impacts to red-legged frogs to less-than-significant levels.

Less Than Significant With Mitigation Incorporated

(BIO-2) Seasonal Avoidance (Work Window). To the extent practicable, ground-disturbing activities should not occur during the wet season, from 15 October through 15 April, when California red-legged frogs are most likely to be found in upland habitats away from aquatic habitat. The preferred work window will be 16 April to 14 October.

(BIO-3) On-site Construction Crew Education Program. Before the commencement of construction, a qualified biologist will explain to construction workers how best to avoid the accidental take of California red-legged frogs. The biologist will conduct a training session that will be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting will include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Emphasis will be placed on the importance of the habitat and life stage requirements within the context of project avoidance and minimization measures. Handouts, illustrations, photographs, and project maps showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program will increase the awareness of the contractors and construction workers about existing federal and state laws regarding endangered species as well as increase their compliance with conditions and requirements of resource agencies.

(BIO-4) Pre-construction Surveys. Prior to any work within 200 ft of riparian habitat or seasonal seeps, a pre-construction survey will be conducted by a qualified biologist. If any red-legged frogs are found within the work area, the USFWS will be contacted, and if approved by the USFWS, the qualified biologist will remove the individual(s) to a safe location nearby.

(BIO-5) Habitat Management. The Authority will continue to manage its lands adjacent to the trail in such a way that it continues to provide upland dispersal habitat for the California red-legged. This includes maintaining open grasslands with no barriers that could prevent movement of red-legged frogs.

California Tiger Salamander. Federal Listing Status: Threatened; State Listing Status: Threatened. The California tiger salamander was listed as threatened by the USFWS in July 2004. The USFWS designated Critical Habitat for the California tiger salamander in August 2005 (USFWS 2005). No portion of the project site is within Critical Habitat for this species.

According to the CNDDB (2011), California tiger salamanders have been recorded at several locations within 0.75 mi to the east of the project area. Other ponds in the project vicinity, even closer to the proposed trail location, also provide potential habitat for this species. A stock pond near the project site on the northwestern side of the project area, north of Sierra Road could potentially serve as a tiger salamander breeding pond. This pond, which is located within 0.9 mi of the trail alignment to the south of Sierra Road, is surrounded by grazed annual grassland with an abundance of small mammal burrows that could serve as aestivation burrows for the salamander. Similarly, ponds or seasonal pools located adjacent to the southeastern, northwestern, and eastern parts of the project alignment, could potentially support tiger salamanders.

Considering the proximity of the site to potential tiger salamander breeding ponds, it is possible that tiger salamanders are present throughout much of the project alignment. If tiger salamanders are breeding in the ponds close to the project alignment, then it is possible that individuals breeding at these ponds could use burrows within the project area as subterranean refugia, and individuals could disperse across the project area. Sierra Road near the northeastern end of the proposed trail alignment does not present a significant barrier to dispersal by tiger salamanders potentially using the pond to the north of the road, as it is infrequently traveled and narrow.

Although the number of individual tiger salamanders that are likely to be affected by the project is small due to the narrow nature of the corridor and the limited extent of trail construction, it is impossible to estimate the number of individuals that may be affected, due to the cryptic nature of this species, without intensive surveys. Absent such surveys, which would be infeasible for a long, linear project such as this, we have determined that impacts to tiger salamanders and their aestivation habitat are potentially significant. Implementation of the following measures will reduce project impacts to tiger salamanders to less-than-significant levels.

Less Than Significant With Mitigation Incorporated

(BIO-5) **Seasonal Avoidance (Work Window).** See BIO-2 for Mitigation.

(BIO-6) **On-site Construction Crew Education Program.** See BIO-3 for Mitigation.

(BIO-7) **Habitat Management.** See BIO-4 for Mitigation.

Burrowing Owl. Federal Listing Status: None; State Listing Status: Species of Special Concern. Burrowing Owls have been recorded regularly in the grassland on the north side of Sierra Road by Santa Clara County Open Space Authority staff. Owls were observed here during the fall of 2004, spring and summer of 2005, fall of 2006, and in February 2007. During H.T. Harvey and Associates surveys in 2007 and 2011, there was suitable habitat present throughout the grasslands in the northern portion of the project area (near Sierra Road), but the grassland in the southeastern part of the alignment is not suitable due to lack of ground squirrel burrows, as well as to the dominance and tall stature of star thistle and other invasive plants at that location. Burrowing Owls have not been detected closer than 650 ft (200 m) to project impact areas, and during a focused search of ground squirrel burrows along the updated new trail segment in 2011 H.T. Harvey saw no evidence of occupancy by Burrowing Owls.

Burrowing Owls could occur in grassland habitats where ground squirrels are present. Construction-related disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Construction that results in a loss of occupied Burrowing Owl habitat may reduce the extent of habitat available to this species regionally. In addition, an increase in human disturbance of Burrowing Owls may result from the project due to the extension of the trail and potential increase in the number of users. Given the regional rarity of Burrowing Owls, and recent population declines in the Bay Area, any loss of Burrowing Owls or fertile eggs, any activities resulting in nest abandonment, the destruction of occupied Burrowing Owl burrows, or the loss of occupied Burrowing Owl habitat would constitute a significant impact. Implementation of the following mitigation measures would reduce impacts to a less-than-significant level.

Less Than Significant With Mitigation Incorporated

(BIO-8) **Pre-construction Surveys.** Pre-construction surveys for Burrowing Owls should be completed in potential habitat in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action would be warranted. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented.

(BIO-9) **Buffer Zones.** If Burrowing Owls are present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone should be maintained around the occupied burrow(s) if practicable. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or else the owls should be passively relocated as described in BIO- below. During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

(BIO-10) **Passive Relocation.** If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Owls will be evicted by a qualified biologist, who will install one-way doors in the occupied burrow and any nearby burrows within the impact footprint. The doors will remain in place for at least 2 nights, after which the doors will be removed and the burrows back-filled to prevent reoccupation of the burrows prior to trail construction.

(BIO-11) **Habitat Management.** If Burrowing Owls are impacted by the project, existing grassland habitat owned by the landowner adjacent to the trail shall be managed in such a way that it continues to provide breeding habitat for Burrowing Owls. Management of grassland habitat for Burrowing Owls is consistent with management of suitable upland dispersal and aestivation habitat for California tiger salamanders and California red-legged frogs.

San Francisco Dusky-footed Woodrat. Federal Listing Status: None; State Listing Status: Species of Special Concern. This species prefers hardwood forests, riparian habitats, and brushlands and often forages above ground. Food includes berries, fungi, leaves, flowers, and nuts. Woodrats construct large conspicuous nests of sticks. They are often semi-colonial, nesting in concentrations that are patchily distributed on the landscape. Woodrats are known to occur in Alum Rock Canyon, and are expected to be present in the cismontane woodland, coastal sage scrub, and coyote brush chaparral habitats along the project alignment. As a result, grading and clearing during new trail construction could result in the loss of active nests and individuals. Because this species is fairly numerous in such habitats in the project area, effects on 1 nesting pair would not be considered significant. However, this species can nest in semi-colonial groups, and impacts to habitat supporting high densities of woodrats could potentially eliminate a substantial portion of the breeding population. Effects on more than 1 woodrat nest during clearing and grading of the new trail segments would be considered a significant impact. The following mitigation measures would reduce impacts to San Francisco dusky-footed woodrats to less-than-significant levels.

Less Than Significant With Mitigation Incorporation

(BIO-12) **Pre-construction Surveys/Avoidance.** Prior to any action that would result in clearing of coastal sage scrub, coyote brush chaparral, and cismontane woodland habitats, a qualified biologist should conduct a survey for San Francisco dusky-footed woodrat nests. If multiple nests are found in the area to be disturbed, the nests should be avoided

if feasible, preferably with a minimum 10-ft buffer around any nests. If avoidance is not feasible, the following mitigation measure should be implemented.

(BIO-13) **Relocation.** If active woodrat nests are found within impact areas on the project site, and the nests cannot be avoided, the nesting material will be relocated using the following methodology (or accepted CDFG protocol at the time of impact, if different from the following). All understory vegetation will be cleared within the project site or in the area immediately surrounding the nests, but the nest itself should not be removed at this stage. Then, each active nest will be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge off the site. The nest sticks will then be removed from the site and piled at the base of a nearby hardwood tree (preferably an oak or California bay with refuge sites among the tree roots). The spacing distance between the newly placed piles of sticks should not be less than 100 ft, unless a qualified wildlife biologist has determined that a specific habitat can support higher densities of nests.

Loss of Active Golden Eagle Nest. The Golden Eagle is an uncommon nesting species in Santa Clara County, is a Fully Protected animal in California, and is protected under the Federal Bald Eagle Protection Act. There are no known Golden Eagle nests near this project, and therefore under current conditions, the project is not expected to result in the abandonment of an active territory. Although Golden Eagles forage regularly in the grasslands along the Sierra Road segment of the proposed trail, there is ample suitable foraging habitat for this species in the Diablo Range, and impacts to available foraging habitat due to construction of the new trail segments and increased human disturbance resulting from this project will be less than significant. However, it is possible that a nest could be established in the project vicinity prior to the initiation of construction. This species is quite susceptible to human disturbance near nest sites, and may abandon an active nest if disturbed during the nesting season. Abandonment of an active nest would result in the loss of eggs or chicks, and would be considered a significant impact. The following measures will reduce this impact to less-than-significant levels.

Less Than Significant With Mitigation Incorporation

(BIO-14) **Seasonal Avoidance.** Golden Eagles may be nesting from 1 February through 31 August. If construction-related work is conducted outside this period, potential impacts to the active nests of Golden Eagles will be avoided.

(BIO-15) **Pre-construction Surveys/Buffer Zones.** If work cannot be scheduled to occur from 1 September to 31 January, pre-construction surveys should be conducted along the trail alignment for any Golden Eagle nests that could be disturbed. The distance at which disturbance may lead to abandonment may vary with topography and the type of disturbance. The area to be surveyed should be determined by a qualified ornithologist in the field, but will likely include the viewshed of potential work areas, within 0.5 mi of the proposed new trail segments. If an active nest is found, disturbance should be avoided by establishing a disturbance-free buffer zone around the nest for the remainder of the breeding season (1 September, or when all chicks have fledged). The dimensions of this buffer zone will be determined by a qualified ornithologist.

Impacts to Habitat and Individuals of Certain Special-Status Wildlife Species

Less Than Significant Impact

The project will result in the loss of some habitat for special-status wildlife species, and may result in the injury or mortality of individuals of some of these species. However, many of the special-status species that are known to occur, or could potentially occur, in the project vicinity occur here only as visitors, migrants, or transients, but are not expected to breed within (or immediately adjacent to) the project area. These species include the western pond turtle, Northern Harrier, American Peregrine Falcon, Long-eared Owl, Vaux's Swift, California Yellow Warbler, Yellow-breasted Chat, Tricolored Blackbird, western red bat, and Townsend's big-eared bat. Because breeding individuals of these species are not expected to be affected by project implementation, and because the project will result in impacts to only a very small proportion of the foraging habitat available regionally for these species, these species are expected to be affected minimally by the implementation of the project.

Several other special-status species could potentially breed within the alignment of the new trail, or could breed close enough to the trail to be disturbed by project activities, including both the construction and use of the new trail. White-tailed Kites, Loggerhead Shrikes, Olive-sided Flycatchers, and Grasshopper Sparrows may nest in or near areas where the new trail will be located, or in areas where increased human activity may result in disturbance. However, the narrow project corridor where potential impacts may occur represents a very small proportion of the regional nesting and foraging habitat for these species. Therefore, the number of active nests of these species that could potentially be disturbed by project activities, and the effect on regional populations of either direct impacts during construction or longer-term impacts due to increased human disturbance, are expected to be low. Impacts to active nests of these species, or to habitat of these species, due to trail construction and increased trail use are thus less-than-significant.

American badgers may den in the grasslands along the project route, pallid bats could potentially roost, and possibly breed, in larger trees adjacent to the project alignment, and ringtails may den in cavities in larger trees or in crevices in rock outcrops or talus slopes. However, there is a low probability that active badger dens would be disturbed during project construction, given the low densities of badgers in the project vicinity, and the proximity of most of the northern segment of the new trail to Sierra Road. During construction of new segments of trail, trees large enough to be used as roosting sites by pallid bats will be avoided (i.e., will not be removed), and thus no roosting habitat for this species will be lost. Similarly, any trees providing cavities large enough for ringtails, or talus slopes and rock outcrops providing suitable crevices, will be avoided during trail construction (both for ease of construction and tree avoidance), and thus no ringtail denning habitat will be lost. Because trees suitable for roosting bats and ringtail dens will be avoided, no direct injury or mortality of pallid bats or ringtails is expected to occur. The narrow project corridor will result in the loss of only a small amount of habitat for these 3 mammal species, and in increased human disturbance to individuals that may occur near the trails. Because these species occur in the project area in very low densities, and the effects of increased human activity are expected to be limited to narrow corridors near the trails, impacts to pallid bats, ringtails, and American badgers from increased human disturbance and lost foraging habitat will be less-than-significant.

Bio – b): (Sources: 1,6,7,)

Less Than Significant Impact

There are potential CDFG regulated habitats along the trail alignment. The proposed trail crosses Penitencia Creek via an existing bridge, and 4 incised drainages along the new trail segment below Sierra Road and south of Alum Rock Falls Road. These features

would likely be claimed by the CDFG, although ultimate determination of jurisdiction lies with CDFG. Impacts to CDFG regulated habitat in the incised drainages will be completely avoided through the use of clear-span bridges with the assumptions described under "Bio - c."

Bio - c): (Sources: 1,6,7)

There are habitats along the trail alignment that are potentially USACE regulated. Approximately 500 ft² of wetland habitat associated with a freshwater seep is found just south of the northeastern stretch of the new trail alignment below Sierra Road, as well as approximately 200 ft² of freshwater marsh that exists south of the small section of Alum Rock Falls Road that will be included in the proposed trail alignment. In addition to these wetlands, the 4 incised drainages within the new trail construction alignment which have a demonstrable connection to Penitencia Creek would thus be considered tributaries of "Waters of the U.S." The USACE will also claim jurisdiction of areas below the Ordinary High Water mark in Penitencia Creek. The swales that lack incision on the proposed new trail alignment that runs parallel to Sierra Road, would not likely be considered jurisdictional waters.

Less Than Significant Impact

The project includes the installation a clear-span bridge over each of the 4 incised drainages. In addition, the alignment of trail will avoid any impacts to on-site wetlands. The clear-span bridges will not impact jurisdictional waters based on the following assumptions: 1) if installation of the bridges requires footings, then the footings will be set back from the edge of the drainage to avoid any impact to the associated banks, 2) if no footings are required, the bridge will not be "dug in" to the banks to avoid slumping or any impact to the bank edges.

V. CULTURAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cult - b) and Cult - c): (Sources: 1,9)

A Cultural resource investigation was completed by Archeological Survey Report (ART) on March 19, 2007. Findings concluded that the Sierra Vista Project will not have any impact on known archaeological resources; however, this does not preclude the potential

that ground disturbing activities may reveal previously unidentified buried or otherwise obscured archeological deposits. Previous studies (Losee 2001) demonstrate that the area is sensitive to buried cultural resources. Within the immediate vicinity of the proposed trail system, portions of 4 pre-Ohlone burials (P-43-001436) were uncovered.

Less Than Signification With Mitigation Incorporation:

(CULT-1) Construction personnel should be alerted to the possibility of buried cultural remains in the Project area. Personnel should be instructed that upon discovery of buried cultural materials, work in the immediate area of the find should be halted, and a qualified cultural resources professional should be contacted to examine the discovery and determine its significance.

Cult – d): (Source: 1,3,4,9) During the course of construction activities within the project area, if a previously unidentified or subsurface archeological site or feature is discovered, work should stop at that location and a qualified cultural resource professional should be contacted to examine the discovery and determine its significance. If Native American human burials and skeletal remains are discovered inadvertently or advertently, according to California Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94, 5097.98 and 5097.99 the following actions must be taken:

Less Than Signification With Mitigation Incorporation:

(CULT -2) Stop work immediately, at that site and any nearby area reasonably suspected to have remains, and contact the County Coroner. The Coroner has two working days to examine the remains after being notified by the person responsible for the excavation. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American. The most likely descendant has 24 hours to make recommendations for the treatment or disposition, with proper dignity, of the remains and grave goods. If the descendant doesn't make recommendations within 24 hours, the remains must be reentered in an area of the property secure from further disturbance, or: If the descendant's recommendations are not accepted, the Authority or the descendant may request mediation by the Native American Heritage Commission. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reenter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

VI. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Geo – a): (Sources: 1, 10, 12, 13, 14)

Less Than Significant Impact:

The proposed 4.5 miles of trail utilizing existing ranch roads are within the Arroyo Aguage Fault Zone (Alquist Priolo Fault Zone). However, no evidence of surface faulting or fault creep on these existing roads had been observed since acquisition of property (2000). The proposed 1.3 miles of new trail is within a landslide zone. However, no evidence of landslide activity had been observed in this area since acquisition of property (2000). No structures for human occupancy are proposed. The proposed prefabricated fiberglass bridges are lightweight, will have low intensity recreational use and located in a remote setting that will reduce the risk to humans and structures to less than significant.

Geo – b): (Sources: 1, 10, 11, 12, 13)

Less Than Significant Impact:

The proposed 1.3 miles of new trail is to be constructed to not exceed a 10% grade, with drainage features including outsloping, rolling dips, waterbars to ensure positive drainage and erosion control. The projects will implement the following erosion control measures: Construction will occur during the typical dry season from (April 15-October 15th). Silt fencing to be installed along the edge of the creek and at the site of the bridge installation during construction. Upon completion of construction any other bare ground resulting from construction will be hydro-seeded to increase soil stability. During the first winter, the Authority will insure that erosion is kept to a minimum by inspecting the site and providing addition erosion control measures such as spreading mulch and

installing erosion control netting if needed. These measures are sufficient to reduce the potential for substantial soil erosion or loss of topsoil to less than significant levels.

Geo – c): (Sources: 1,10) Less Than Significant Impact:

A portion of the new trail (approximately .5 miles) is within the State of California Seismic hazard Zone of Required Investigation for Earthquake Induced landslides. As advised by City of San Jose, Department of Public Works, surface drainage within a this area shall be designed to minimize disruption of the existing sheet flow surface runoff on the slope by concentrating as little drainage run off as possible. The new trail is to be constructed at a relatively narrow (5 –foot) width and resulting in small cuts and fills leaving little risk of causing deep-seated land sliding. The proposed trail alignment has been designed to avoid steep slopes and trail construction not to exceed a 10% grade, and includes drainage features such as outsloting, rolling dips, waterbars to ensure positive drainage and erosion control.

VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

GHG – a): (Source: 1, 5)

Less Than Significant Impact

The BAAQMD's CEQA guideline does not have an adopted threshold of significance for construction related GHG emissions. The proposed 1.3 miles of new trail construction would be less than significant due to the small scale of the project.

The project would result in less than significant greenhouse gas emissions from operational related GHG emissions. Access to the proposed trail will utilize the existing parking area within Alum Rock Park – City of San Jose, will have low intensity recreational use and located in a remote setting that will not generate significant greenhouse gas emissions from additional vehicle trips due to the small scale of proposed project.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Haz - h): (Sources: 1, 2, 16, 17,18)

Less Than Significant Impact

The project is in an undeveloped portion of the City of San Jose adjacent to the Alum Rock Park. The agency with primary jurisdiction for responding to any wildland fires at this site is the City of San Jose and the California Department of Forestry and Fire Protection has secondary jurisdiction. The Authority works closely with CDF with regards to appropriate access for emergency vehicles and recommendations pertaining to fire prevention measures. The project would not change the degree of exposure of neighbors or preserve visitors to wildfires, as it involves the construction of a public trail which connects to trails within an existing preserve and City park open to the public. Authority Ordinance 6.01.01 prohibits any person from building, starting, lighting or maintaining and fire of any nature within Authority lands.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste				

discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hydro – e): (Sources: 1, 19)

Less Than Significant Impact

There is no existing or planned stormwater drainage system that will be affected by this project area. The 1.3 miles of new trail is to be constructed at a relatively narrow (5 - foot) width and resulting in small cuts and fills. Construction is scheduled to occur during the typical dry season (April 15- October 15). Silt fencing will be installed along the edge of the trail area during construction. Upon completion of construction the

swales and any other bare ground resulting from construction will be hydro-seeded with a native seed mix to increase soil stability and increase percolation of water.

X. LAND USE AND PLANNING - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. NOISE - Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise – a): (Sources: 2, 3, 4)

Less Than Significant Impact

According to the Santa Clara County General Plan Noise Element, significant noise impacts occur when the noise levels are equal or above 65 Day-Night Average Sound Level (DNEL). City of San Jose General Plan Noise Goals and Policies are consistent with the County General Plan with DNL \geq to 76 levels are considered hazardous to health as determined by EPA. Within the project area, current ambient noise levels are under 65 DNEL. In the long term the increase to the noise levels in the area will be minimal, resulting preserve visitors and occasional minor maintenance activities. Because the proposed trail is in a relatively remote site, heavy usage is not anticipated. The preserve visitors are limited to non-motorized, low-intensity recreational uses adjacent to the project area, and create minimal noise. Authority Ordinance 4.01.02 prohibits after-hours use of the proposed trail.

Noise – b) and Noise – d): (Source: 3, 4)

Less Than Significant Impact

During construction, construction machinery will generate temporary increases in ambient noise, ground borne noise, and vibration levels. The construction work will occur in a relatively remote region of an open space preserve and in an area that would be closed to public use during construction.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

housing elsewhere?

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Pub – a): (Source: 1,16,17,18)

Less Than Significant Impact

The project is in relatively undeveloped portion of the City of San Jose and County and is adjacent to Alum Rock Park. The agency with primary jurisdiction for responding to any wildland fires at this site is the City of San Jose and the California Department of Forestry and Fire Protection has secondary jurisdiction. The agency with primary jurisdiction for police protection at this site is the City of San Jose and the Santa Clara County Sheriffs Department has secondary jurisdiction. The proposed trail area will bring visitors to the project area but the numbers are anticipated to be low and will not cause any substantial increase to the fire or police protection required at this site.

The proposed Trail will bring visitors to the adjacent City of San Jose, Alum Rock Park trails, but again, these trails are currently open to use, and the increase in visitors is anticipated to be low and the existing facilities will accommodate them. The additional new Trail will increase the availability of recreational facilities in the area thereby increasing the level of service with respect to parks.

XV. RECREATION --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐☐☒☐

Rec – a) and Rec – b): (Source: 1, 3)

Less Than Significant Impact

The proposed trail will bring visitors to both the Boccardo Trail and the adjacent Alum Rock Park trails. The number of visitors are anticipated to be low. This project in itself is an expansion of a recreational facility trail, connecting to the existing Boccardo Trail and the adjacent Alum Rock Park Trails.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Traffic – a): (Sources: 1, 3)

Less Than Significant Impact

The proposed trail is not expected to substantially affect the traffic operations of the

surrounding roadway system as visitors will utilized the existing parking facility in Alum Rock Park to access proposed trail. The proposed trail area will bring visitors to the project area but the numbers are anticipated to be low.

XVII. UTILITIES AND SERVICE SYSTEMS B Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐
☐
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐
☐
☐
☒

Initial Study - Sources Referenced
Sierra Vista Open Space Preserve
Proposed Trail Development
Milpitas- Berryessa Study Area

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www.valleywater.org/Services/FloodProtection.aspx